UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/868,171	06/15/2001	Joachim Laier	449122004500	6959

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EXAMINER
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ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 June 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some *   c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2.   The abstract of the disclosure is objected to because it begins with, "The invention relates to". Correction is required. See MPEP § 608.01(b).

Claim Objections

3.   Claims 2, 5, and 9 are objected to as failing to comply with 37 CFR 1.75(a) for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Claims 2 and 9 recites the limitation "the central camera memory" on lines 5 and 4, respectively. There is insufficient antecedent basis for this limitation in the claims. For examination purposes, the claims will be treated as if they read, "a central camera memory".

Claim 5 recites the limitation "the display driver" on lines 4-5. There is insufficient

antecedent basis for this limitation in the claim when the claim is dependent on claim 1, 2, or 4.

For examination purposes, the claim will be treated as if it reads, "a display driver".

4.   Claims 4, 5, and 6 are objected to under 37 CFR 1.75(c) as being in improper form

because a multiple dependent claim cannot depend from any other multiple dependent claim.

See MPEP § 608.01(n).

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the
> subject matter which the applicant regards as his invention.

6.   Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which Applicant regards as

the invention.

Regarding claims 1, 4, 7, and 8, the phrase "or similar" renders the claims indefinite

because the claims include elements not actually disclosed (those encompassed by "or similar"),

thereby rendering the scope of the claims unascertainable. See MPEP § 2173.05(d).

Regarding claims 1 and 7, the phrase "such as" renders the claim indefinite because it is

unclear whether the limitations following the phrase are part of the claimed invention. See

MPEP § 2173.05(d).

Claim 7 recites the limitation "the respective commands and/or operations" on lines 23-

24. There is insufficient antecedent basis for this limitation in the claim. For examination

purposes, the claim will be treated as if it reads, "commands and/or operations".

Claims 2, 3, 5, 6, and 9 are rejected because they are dependent on the above claims.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

8.   This application currently names joint inventors. In considering patentability of the

claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various

claims was commonly owned at the time any inventions covered therein were made absent any

evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

the inventor and invention dates of each claim that was not commonly owned at the time a later

invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c)

and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9.   Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (U.S.

Patent Application Publication No. 2001/0022618) in view of Aihara (U.S. Patent No.

6,223,190).

Regarding **claim 1**, Ward discloses:

A communications-enabled image recording device (Figure 1) for still

and/or moving images, in particular a digital camera (electronic still camera 10)

having a semiconductor image recording sensor, in particular a CMOS/CCD chip

(CCD 22) or similar array, an image recording and image data transfer control

unit (microprocessor 34) for the image data and/or text (see paragraph 12) or

audio data transfer to an external data sink, such as e.g., a personal computer (12)

with image reproduction monitor (shown in Figure 1) or a mass storage device,

and also having an operating display (LCD 24) and having operating elements for

setting operating modes, and which receives instructions for the image data

transfer on the operating display (step 64; see paragraph 15), in order to accept

externally offered digit and/or letter sequences (text messages regarding image

transfer messages from a host service; see paragraph 15) and/or graphics or

similar representations for identifying the respective status, and, furthermore, the

image data transfer control unit displays the desired representation on the

operating display (see paragraph 15).

Ward is silent with regard to including a memory module for holding information for

display.

Aihara discloses a digital imaging device, including a memory module (DRAM 346 in

Figure 4) for storing data for display on LCD screen 402 (see column 5, lines 24-35, and column

6, lines 27-38).

An advantage of including a memory for storing display information is that the

information may be displayed persistently — that is, for a period of time long enough to be read

by a user. For this reason, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have Ward's imaging device include a memory for storing

information to be displayed.

Regarding **claim 2**, Aihara discloses:

> the memory module is a separately addressable area of a central camera
>
> memory (frame buffer 536 in Figure 4), or in that the representations are provided
>
> with a particular identification symbol in order to define them as status
>
> information.

Regarding **claim 3**, Ward discloses:

> the operating display is a camera display (LCD 24).

Ward is silent with regard to including a display driver. Aihara discloses:

> a camera display (LCD screen 402) which can be driven by a display
>
> driver (LCD controller 390), in which case, via the driver, data can be fetched
>
> from the memory module (DRAM 346) according to specification by the control
>
> unit (CPU 344; see column 5, lines 26-28).

An advantage of including a display driver is that display processing may be removed

from the central processing unit, which frees the CPU to perform other processing.

Regarding **claim 4**, Ward discloses:

> the image data transfer control unit is connected to a transmitting unit, and

the transmitting unit has a radio transmitting assembly with antenna for

establishing a wire-free connection via a GSM, UMTS, DECT or similar standard

telecommunications network and/or a data transfer interface (modem 32) for wire-

based, bit-oriented transmission via an ISDN (see paragraph 12) or similar

network.

Regarding **claim 5**, Ward discloses:

> the operating display or a display driver can be externally driven or

activated (by the host system; see paragraph 15).

Regarding **claim 6**, Ward discloses:

> the image data transfer control unit is an integral part of the image

recording device or camera (see Figure 1).

Regarding **claim 7**, Ward discloses:

> A method for operating a communications-enabled image recording

device for still and/or moving images, in particular a digital camera (electronic

still camera 10), which has a semiconductor image recording sensor, in particular

CMOS/CCD chip (CCD 22) or similar array, an image recording and image data

transfer control unit (microprocessor 34) for the image or other data transfer to an

external data sink, such as e.g. a personal computer (12) with image reproduction

monitor (shown in Figure 1), or a mass storage device, the integrated image

recording and image data transfer control unit being connected to an operating

display (LCD 24) and also operating elements or setting operating modes (image

transmission; see paragraph 14), characterized in that, in order to display status

information and/or instructions on the operating display for or during the data

transfer from the data source to the data sink, digit and/or letter sequences (text

messages regarding image transfer messages from a host service; see paragraph

15) and/or graphics or similar representations are received, the selection of the

representations being automatically initiated by the image data transfer control

unit in accordance with commands and/or operations (see paragraph 15).

Ward is silent with regard to including a memory module for holding information for

display.

Aihara discloses a digital imaging device, including a memory module (DRAM 346 in

Figure 4) for storing data for display on LCD screen 402 (see column 5, lines 24-35, and column

6, lines 27-38).

An advantage of including a memory for storing display information is that the

information may be displayed persistently — that is, for a period of time long enough to be read

by a user. For this reason, it would have been obvious to one of ordinary skill in the art at the

time the invention was made to have Ward's imaging device include a memory for storing

information to be displayed.

Regarding **claim 8**, Ward discloses:

the digit and/or letter sequences and/or graphics or similar representations

which are stored in the memory module can be erased and/or changed and thereby

updated by external access after positive checking of authorization

(communication only occurs if password authentication occurs; see paragraphs

32-33).

Regarding **claim 9**, Aihara discloses:

the memory module is formed by a separately addressable area of a central

camera memory (see column 5, lines 34-36, and column 6, lines 33-34).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

11.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jason Whipkey, whose telephone number is (571) 272-7321. The

examiner can normally be reached Monday through Friday from 9:00 A.M. to 5:30 P.M. eastern

daylight time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ngoc-Yen Vu, can be reached at (571) 272-7320. The fax phone number for the

organization where this application is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private

PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTW
JTW
October 2, 2005

NGOC-YEN VU
PRIMARY EXAMINER